

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

RICHARD BRADLEY,

Plaintiff,

vs.

SHERIFF MARTY FISHER AND
UNNAMED DETENTION OFFICERS

Defendants.

No. C 07-2033 -EJM

ORDER

This matter is before the court on plaintiff's Motion to Correct Address, filed July 5, 2007, and on his Notice of Appeal and Motion for Appointment of Counsel to Handle Appeal, both filed July 16, 2007. Motion to Correct Address denied; Motion for Appointment of Counsel denied.

On June 27, 2007, the court dismissed this action. Plaintiff was previously granted in forma pauperis status, and it is appropriate to allow him to proceed on appeal in forma pauperis. *See* Fed. R. App. P. 24. Pursuant to the procedure set forth in *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997), plaintiff is liable for the \$455.00 appeal fees upon the filing of his notice of appeal. *Henderson*, 129 F.3d at 484; *see also* 28 U.S.C. § 1914(b) (directing Clerk of Court to collect "additional fees only as are prescribed by the Judicial Conference of the United States"). Accordingly, plaintiff shall be assessed an initial appellate partial fee of \$35.00, which he shall be directed to submit immediately to the Clerk of Court. *Id.* *See also* 28 U.S.C. § 1915(b)(1). Plaintiff shall be directed to submit monthly payments of 20 percent of the preceding month's income credited to his inmate account until the \$455.00 appeal fees are paid in full. 28 U.S.C. § 1915(b)(2). The agency having custody of plaintiff shall be directed to forward payments from his inmate account to the Clerk of Court each time the amount in the account exceeds \$10.00. 28 U.S.C. § 1915(b)(2).

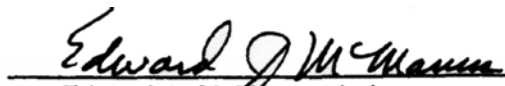
Plaintiff's Motion to Correct Address does not seek to change the address to which correspondence is mailed, but rather seeks to have a directive added to envelopes containing correspondence, noting that the mail is to be opened in front of the inmate. Plaintiff has not challenged any policies or practices as to mail handling, and it appears that the address is correct, therefore this motion shall be denied. As to his motion for appointment of counsel, it is the court's view that the issues are not complex and plaintiff appears able to present the claim, accordingly, the motion for appointment of counsel shall be denied.

It is therefore

ORDERED

1. Plaintiff is assessed appellate fees in the total amount of \$455.
2. Plaintiff shall submit an initial partial appellate fee of \$35 to the Clerk of Court.
3. Plaintiff shall submit monthly payments of 20 percent of the preceding month's income credited to his inmate account until the \$455.00 appeal fees are paid in full. The agency having custody of the plaintiff shall be directed to forward payments from his inmate account to the Clerk of Court each time the amount in the account exceeds \$10.00.
4. Plaintiff's Motion to Correct Address denied.
5. Plaintiff's Motion for Appointment of Counsel to Handle Appeal denied.
6. The Clerk of Court is directed to forward this matter to the Eighth Circuit Court of Appeals for further disposition.

July 25, 2007.


Edward J. McManus, Judge
UNITED STATES DISTRICT COURT

TO: WARDEN/ADMINISTRATOR
Pekin FCI, Pekin Illinois

NOTICE OF COLLECTION OF FILING FEE

You are hereby given notice that Richard Bradley, #09666029, an inmate at your facility, has filed the following appeal in the United States District Court for the Northern District of Iowa: Bradley v. Fisher, et al., Case No. 07-2033-EJM. The inmate was granted in forma pauperis status pursuant to 28 U.S.C. § 1915(b), which requires partial payments of the \$455.00 appellate fees. The court has assessed an initial partial appellate filing fee of \$35.00 which the inmate must pay now to the Clerk of Court. 28 U.S.C. § 1915(b)(1); *see also Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997).

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the Clerk of Court each time the amount in the account exceeds \$10 until the filing fees are paid.

28 U.S.C. § 1915(b)(2). If the inmate currently does not have sufficient funds to pay the initial partial filing fee, you must monitor the account and send payments to the Clerk of Court according to the system provided in 28 U.S.C. § 1915(b)(2).

Please make the appropriate arrangements to have these fees deducted and sent to the court as required under the statute.

/s/ Pridgen J. Watkins (by mj on 7/25/07)

Pridgen J. Watkins
U.S. District Court Clerk
Northern District of Iowa